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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,553	12/12/2003	Patrick M. Glance	CONC 41.2-2	3926
37190	7590	03/31/2005	EXAMINER	
VARNUM, RIDDERING, SCHMIDT & HOWLETT LLP 333 BRIDGE STREET, NW P.O. BOX 352 GRAND RAPIDS, MI 49501-0352			MORROW, JASON S	
			ART UNIT	PAPER NUMBER
			3612	

DATE MAILED: 03/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

 <b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/735,553	GLANCE ET AL.	
	Examiner	Art Unit	
	Jason S. Morrow	3612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 2, 4, 6-9 and 12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 5, 10, 11, 13 and 14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)     | Paper No(s)/Mail Date. ____.  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____.   | 6) <input type="checkbox"/> Other: ____.                                    |

## DETAILED ACTION

### *Election/Restrictions*

1. Claims 2, 4, 6-9, and 12 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 3/8/05.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3, 5, 10, 11, 13, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Libkie et al.

Re claim 1, Libkie et al. discloses a mechanical device for absorbing impact energy applied to a vehicle seat comprising a sliding bracket (18) connecting one of the seat and a seat lower base to a vehicle floor, the sliding bracket permitting a damped sliding movement of the an integral belted seat and occupant relative to the vehicle floor, thereby dissipating energy during a vehicle frontal collision and lowering the g-force on both the belted occupant and a rear seated occupant who would impact the rear of the front seat frame.

- Re claim 3, the bracket is an L-cross section or U-cross section metal member (see figure 4).

Re claim 5, the sliding movement would have a break away feature (provided by 40) to initiate sliding travel only at a predetermined force level.

Re claim 10, Libkie et al. discloses in a vehicle wherein a seat is mounted in a normally fixed position with respect to a vehicle floor, an energy absorbing sliding bracket (18) for attaching the seat to the floor, the bracket permitting the seat to travel forwardly with respect to the floor at a controlled resistance force in response to an impact load on the vehicle, so as to reduce the rate of seat deceleration and reduce forces on a vehicle occupant that impacts the rear of the seat as a result of the vehicle impact.

Re claim 11, the bracket includes a slide member (18) attached to the seat and a fixed member (28) attached to the floor, the slide member being slidably mounted to the fixed member for movement through a predetermined travel distance between a rest position and an actuated position, the bracket including travel damping means (40) for providing resistance to travel, such that the force of a vehicle impact in the direction of travel of the slide member is dissipated over the distance of travel of the slide member, thereby reducing the deceleration force on a vehicle occupant impacting the rear of the seat as a result of a front impact of the vehicle.

Re claim 13, one of the fixed and slide members comprises an upwardly facing U-shaped lower channel (see figure 1, 28 has a U-shape) and the other of the fixed and slide members comprises a downwardly facing U-shaped upper channel (see figure 4, 18) that fits in an open top of the lower channel, the lower channel including a deformable material (40) that resists sliding movement of the slide member in the fixed member.

Re claim 14, Libkie et al. discloses an impact dampening mounting mechanism for mounting a vehicle seat in a yielding position on a vehicle floor comprising a fixed bracket (28)

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mounted in a relatively fixed position with respect to the vehicle floor, a movable bracket (18) slidably mounted in the fixed bracket, the movable bracket being mounted in a relatively fixed position with the seat; and movement impeding means (40) interposed between the fixed bracket and the movable bracket for yieldably restraining relative movement between the fixed and movable brackets, the impeding means exerting a braking force on the movable bracket through a predetermined range of movement under impact so as to dissipate an impact load over the range of movement.

#### *Conclusion*

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fritz, Satzinger, McLennan, Yoshio et al., Motozawa et al. '187, Motozawa et al. '771, Nilsson, and Liu disclose mounts for vehicle seats.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason S. Morrow whose telephone number is (703) 305-7803. The examiner can normally be reached on Monday-Friday, 8:00a.m.-4:30p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on (703) 308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

March 18, 2005

Jason S. Morrow  
Examiner  
Art Unit 3612

  
JASON MORROW  
PRIMARY PATENT EXAMINER

3/18/05